

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:02CR3038
	)	
v.	)	
	)	
EUGENE A. McNEALLY,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's notice of appeal (Filing No. 158) and motion for certificate of appealability (Filing No. 159) filed April 20, 2006, and application to proceed on appeal *in forma pauperis* (Filing No. 160). The Court notes that the order (Filing No. 154) denying defendant's motion to vacate (Filing No. 153) was filed on January 31, 2006. Therefore, defendant's notice of appeal is not timely filed. Accordingly,

IT IS ORDERED:

1) Defendant's motion for certificate of appealability is denied;

2) Defendant's application to proceed on appeal *in forma pauperis* is denied.

DATED this 25th day of April, 2006.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

